

105TH CONGRESS
2D SESSION

H. R. 3843

To grant a Federal charter to the American GI Forum of the United States.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1998

Mr. RODRIGUEZ (for himself, Mr. BONILLA, Mr. REYES, Mr. REDMOND, Mr. GUTIERREZ, Mr. DIAZ-BALART, Mr. HINOJOSA, Mr. BILBRAY, Mr. ORTIZ, Mr. SKEEN, Mr. FILNER, Mr. HASTINGS of Washington, Mr. BECERRA, Mr. PAUL, Mr. SERRANO, Mr. CALVERT, Mr. ENGEL, Ms. SANCHEZ, Mr. EVANS, Mr. GONZALEZ, Mr. ROMERO-BARCELÓ, Mr. GREEN, Mr. MEEKS of New York, Mr. FROST, Mr. SCHUMER, Ms. LOFGREN, Ms. KAPTUR, and Ms. ROYBAL-ALLARD) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To grant a Federal charter to the American GI Forum
of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. RECOGNITION AND GRANT OF FEDERAL CHAR-**
4 **TER.**

5 The American GI Forum of the United States, a non-
6 profit corporation organized under the laws of the State
7 of New Mexico, is recognized as such and granted a Fed-
8 eral charter.

1 **SEC. 2. POWERS.**

2 The American GI Forum of the United States (in this
3 Act referred to as the “corporation”) shall have only those
4 powers granted to it through its bylaws and articles of
5 incorporation filed in the State of New Mexico and subject
6 to the laws of the State of New Mexico.

7 **SEC. 3. PURPOSES.**

8 The purposes of the corporation are those provided
9 in its bylaws and articles of incorporation and shall include
10 the following:

11 (1) To secure the blessing of American democ-
12 racy at every level of local, State, and national life
13 for all United States citizens.

14 (2) To uphold and defend the Constitution and
15 the United States flag.

16 (3) To foster and perpetuate the principles of
17 American democracy based on religious and political
18 freedom for the individual and equal opportunity for
19 all.

20 (4) To foster and enlarge equal educational op-
21 portunities, equal economic opportunities, equal jus-
22 tice under the law, and equal political opportunities
23 for all United States citizens, regardless of race,
24 color, religion, sex, or national origin.

25 (5) To encourage greater participation of the
26 ethnic minority represented by the corporation in the

1 policy-making and administrative activities of all de-
2 partments, agencies, and other governmental units
3 of local and State governments and the Federal Gov-
4 ernment.

5 (6) To combat all practices of a prejudicial or
6 discriminatory nature in local, State, or national life
7 which curtail, hinder, or deny to any United States
8 citizen an equal opportunity to develop full potential
9 as an individual.

10 (7) To foster and promote the broader knowl-
11 edge and appreciation by all United States citizens
12 of their cultural heritage and language.

13 **SEC. 4. SERVICE OF PROCESS.**

14 With respect to service of process, the corporation
15 shall comply with the laws of the State of New Mexico
16 and those States in which it carries on its activities in
17 furtherance of its corporate purposes.

18 **SEC. 5. MEMBERSHIP.**

19 Except as provided in section 8(g), eligibility for
20 membership in the corporation and the rights and privi-
21 leges of members shall be as provided in the bylaws and
22 articles of incorporation of the corporation.

23 **SEC. 6. BOARD OF DIRECTORS.**

24 Except as provided in section 8(g), the composition
25 of the board of directors of the corporation and the re-

1 sponsibilities of the board shall be as provided in the by-
2 laws and articles of incorporation of the corporation and
3 in conformity with the laws of the State of New Mexico.

4 **SEC. 7. OFFICERS.**

5 Except as provided in section 8(g), the positions of
6 officers of the corporation and the election of members
7 to such positions shall be as provided in the bylaws and
8 articles of incorporation of the corporation and in con-
9 formity with the laws of the State of New Mexico.

10 **SEC. 8. RESTRICTIONS.**

11 (a) INCOME AND COMPENSATION.—No part of the in-
12 come or assets of the corporation may inure to the benefit
13 of any member, officer, or director of the corporation or
14 be distributed to any such individual during the life of this
15 charter. Nothing in this subsection may be construed to
16 prevent the payment of reasonable compensation to the
17 officers and employees of the corporation or reimburse-
18 ment for actual and necessary expenses in amounts ap-
19 proved by the board of directors.

20 (b) LOANS.—The corporation may not make any loan
21 to any member, officer, director, or employee of the cor-
22 poration.

23 (c) ISSUANCE OF STOCK AND PAYMENT OF DIVI-
24 DENDS.—The corporation may not issue any shares of
25 stock or declare or pay any dividends.

1 (d) DISCLAIMER OF CONGRESSIONAL OR FEDERAL
2 APPROVAL.—The corporation may not claim the approval
3 of Congress or the authorization of the Federal Govern-
4 ment for any of its activities by virtue of this Act.

5 (e) CORPORATE STATUS.—The corporation shall
6 maintain its status as a corporation organized and incor-
7 porated under the laws of the State of New Mexico.

8 (f) CORPORATE FUNCTION.—The corporation shall
9 function as an educational, patriotic, civic, historical, and
10 research organization under the laws of the State of New
11 Mexico.

12 (g) NONDISCRIMINATION.—In establishing the condi-
13 tions of membership in the corporation and in determining
14 the requirements for serving on the board of directors or
15 as an officer of the corporation, the corporation may not
16 discriminate on the basis of race, color, religion, sex, dis-
17 ability, age, or national origin.

18 **SEC. 9. LIABILITY.**

19 The corporation shall be liable for the acts of its offi-
20 cers, directors, employees, and agents whenever such indi-
21 viduals act within the scope of their authority.

22 **SEC. 10. MAINTENANCE AND INSPECTION OF BOOKS AND**
23 **RECORDS.**

24 (a) BOOKS AND RECORDS OF ACCOUNT.—The cor-
25 poration shall keep correct and complete books and

1 records of account and minutes of any proceeding of the
2 corporation involving any of its members, the board of di-
3 rectors, or any committee having authority under the
4 board of directors.

5 (b) NAMES AND ADDRESSES OF MEMBERS.—The
6 corporation shall keep at its principal office a record of
7 the names and addresses of all members having the right
8 to vote in any proceeding of the corporation.

9 (c) RIGHT TO INSPECT BOOKS AND RECORDS.—All
10 books and records of the corporation may be inspected by
11 any member having the right to vote in any proceeding
12 of the corporation, or by any agent or attorney of such
13 member, for any proper purpose at any reasonable time.

14 (d) APPLICATION OF STATE LAW.—This section may
15 not be construed to contravene any applicable State law.

16 **SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.**

17 The first section of the Act entitled “An Act to pro-
18 vide for audit of accounts of private corporations estab-
19 lished under Federal law”, approved August 30, 1964 (36
20 U.S.C. 1101), is amended by adding at the end the follow-
21 ing:

22 “(80) American GI Forum of the United
23 States.”.

1 **SEC. 12. ANNUAL REPORT.**

2 The corporation shall annually submit to Congress a
3 report concerning the activities of the corporation during
4 the preceding fiscal year. The annual report shall be sub-
5 mitted on the same date as the report of the audit required
6 by reason of the amendment made in section 11. The an-
7 nual report shall not be printed as a public document.

8 **SEC. 13. RESERVATION OF RIGHT TO ALTER, AMEND, OR**
9 **REPEAL CHARTER.**

10 The right to alter, amend, or repeal this Act is ex-
11 pressly reserved to Congress.

12 **SEC. 14. TAX-EXEMPT STATUS REQUIRED AS CONDITION OF**
13 **CHARTER.**

14 If the corporation fails to maintain its status as a
15 corporation exempt from taxation as provided in the Inter-
16 nal Revenue Code of 1986 the charter granted in this Act
17 shall terminate.

18 **SEC. 15. TERMINATION.**

19 The charter granted in this Act shall expire if the
20 corporation fails to comply with any of the provisions of
21 this Act.

22 **SEC. 16. DEFINITION OF STATE.**

23 For purposes of this Act, the term “State” includes
24 the District of Columbia, the Commonwealth of Puerto
25 Rico, the Commonwealth of the Northern Mariana Is-

1 lands, and the territories and possessions of the United
2 States.

